



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 15, 2014

Exit 88 Orchard Estates LLC
PO Box 349
Cheney, WA 99004

RE: Water Right Change Application No. CS4-02203sb29 (BENT-13-03)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has modified the decision of the Board and the proposed change/transfer of water right is approved under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND 0.179 0.197 cfs		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR 65		TYPE OF USE, PERIOD OF USE Irrigation of 13 Acres, April 15 to November 15	
SOURCE Yakima River				TRIBUTARY OF (IF SURFACE WATER) Columbia River			
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
1. SW	NW	24	9 N	25 EWM	37	Benton	
2. SW	NW	24	9 N	25 EWM	37	Benton	
AT A POINT LOCATED: PARCEL NO. 1. 875 feet north and 1915 feet west of the center of Section 24, being within Government Lot 5 of Section 24, T. 9 N., R. 25 E.W.M. 2. 675 feet north and 2015 feet west of the center of Section 24, being within Government Lot 5 of Section 24, T. 9 N., R. 25 E.W.M.							

FILE COPY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

PARCEL A: Lot 1, Short Plat No. 977, according to the survey thereof recorded May 6, 1980 under Auditor's File No. 819403, records of Benton County, Washington. Parcel B: Lot, 2 Short Plat No. 977, according to the survey thereof recorded May 6, 1980, under Auditor's File No. 819403, records of Benton County, Washington. PARCEL C: Lot 3, Short Plat No. 977, according to the survey thereof recorded May 6, 1980, under Auditor's File No. 819403, records of Benton County, Washington; together with that portion of Lot 4 of said short plat lying westerly of the following described line: Beginning at the southeast corner of Lot 3 of said short plat thence S 83°24'26" E along the south line thereof 479.59 feet to the true point of beginning of said described line; thence N 06°43'31" E 1125 feet, more or less, to the ordinary high water line of the Yakima River and the terminus of said line.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
		NW	24	9N.	25 E.W.M.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Immediately	January 1, 2018	January 1, 2019

Ecology has **MODIFIED** the decision of the Board as follows:


- 1.) The Board's decision has been modified as noted in the table above.
- 2.) The Board's decision table is amended to reflect that the Yakima River is tributary to the Columbia River.
- 3.) The authorized points of under CS4-02203sb29 (BENT-13-03) are CHANGED in the decision table, to reflect the specific authorized locations in the Conditional Final Order, as follows:
 - 875 feet north and 1915 feet west of the center of Section 24, being within Government Lot 5 of Section 24, T. 9 N., R. 25 E.W.M.
 - 675 feet north and 2015 feet west of the center of Section 24, being within Government Lot 5 of Section 24, T. 9 N., R. 25 E.W.M.
- 4.) To better reflect the complete description of Court Claim 02203, the authorized place of use is CHANGED in the Board's decision table to the following:
 - PARCEL A: Lot 1, Short Plat No. 977, according to the survey thereof recorded May 6, 1980 under Auditor's File No. 819403, records of Benton County, Washington. Parcel B: Lot, 2 Short Plat No. 977, according to the survey thereof recorded May 6, 1980, under Auditor's File No. 819403, records of Benton County, Washington. PARCEL C: Lot 3, Short Plat No. 977, according to the survey thereof recorded May 6, 1980, under Auditor's File No. 819403, records of Benton County, Washington; together with that portion of Lot 4 of said short plat lying westerly of the following described line: Beginning at the southeast corner of Lot 3 of said short plat thence S 83°24'26" E along the south line thereof 479.59 feet to the true point of beginning of said described line; thence N 06°43'31" E 1125 feet, more or less, to the ordinary high water line of the Yakima River and the terminus of said line.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an

- The name and mailing address of the appellant;
Name and address of the appellant's attorney, if any;
The name and address of the Department of Ecology;
The specific application number of the decision being appealed;
A copy of the decision;
A brief explanation of Ecology's decision;
Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
Facts that demonstrate the appellant is entitled to obtain judicial review;
The appellant's reasons for believing that relief should be granted; and
A request for relief, specifying the type and extent of relief requested.

The “parties of record” who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.


Mark Kemner, LHG, Section Manager
Water Resources Program, Central Region Office

MK:ST:ss/140118

Enclosures: Policy 1280
Construction Notice

By Certified Mail: 7010 0290 0000 7126 5572

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)
Dr. Darryll Olsen, Benton County Conservancy Board
Philip Rigdon, Director Natural Resources Division Yakama Nation